

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

THOMAS GRANT, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

VIVEK RAMASWAMY, an Ohio resident,

Defendant.

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

Plaintiff Thomas Grant (“Plaintiff Grant” or “Grant”) brings this Class Action Complaint and Demand for Jury Trial against Defendant Vivek Ramaswamy (“Defendant” or “Ramaswamy”) to stop the Defendant from violating the Telephone Consumer Protection Act (“TCPA”) by making or having made on his behalf unsolicited pre-recorded calls to consumers’ cellular phone numbers. Plaintiff also seeks injunctive and monetary relief for all persons injured by Defendant’s conduct. Plaintiff Grant, for this Complaint, alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

PARTIES

1. Plaintiff Grant is a resident of Hudson, New Hampshire.
2. Defendant Ramaswamy is a resident of Columbus, Ohio.

JURISDICTION AND VENUE

3. This Court has federal question subject matter jurisdiction over this action under 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

4. This Court has personal jurisdiction over the Defendant because the Defendant is located in this District.

5. Venue is proper in this District under 28 U.S.C. § 1391(b) because the Defendant is located in this District.

INTRODUCTION

6. As the Supreme Court explained at the end of its term this year, “Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. The States likewise field a constant barrage of complaints. For nearly 30 years, the people’s representatives in Congress have been fighting back.” *Barr v. Am. Ass’n of Political Consultants*, No. 19-631, 2020 U.S. LEXIS 3544, at *5 (U.S. July 6, 2020).

7. When Congress enacted the TCPA in 1991, it found that telemarketers called more than 18 million Americans every day. 105 Stat. 2394 at § 2(3).

8. By 2003, due to more powerful autodialing technology, telemarketers were calling 104 million Americans every day. In re Rules and Regulations Implementing the TCPA of 1991, 18 FCC Rcd. 14014, ¶¶ 2, 8 (2003).

9. The problems Congress identified when it enacted the TCPA have only grown exponentially in recent years.

1 15. These restrictions are necessary because the FCC has found that during “election
2 seasons, like those before, will likely experience an increase in calls and texts from political
3 campaigns.”⁴

4 16. In fact, “Every year around Election Day ... the Monday before Election Day was
5 the highest day on record for receiving robocalls.”⁵

6
7 **COMMON ALLEGATIONS**

8 17. Defendant Vivek Ramaswamy is a 2024 Republican candidate for President of the
9 United States.⁶

10 18. In order to promote his telephonic town hall events, Ramaswamy and/or his
11 campaign on his behalf places pre-recorded calls to consumer cellular phones without first
12 obtaining their prior express consent.

13 19. Ramaswamy either expressly authorized the making of these pre-recorded calls or
14 knew that they were going to be made for his personal benefit, to promote his presidential
15 candidacy, and did nothing to stop them.

16 20. As part of that, Ramaswamy controlled the timing of calls, right before his
17 telephonic town hall events.

18 21. Ramaswamy also controlled the recipients of calls, by dictating that the messages
19 be sent to voters registered as independents, like Plaintiff, who had no prior relationship with him.⁷
20
21
22

23
24

⁴ *Id.*

25 ⁵ <https://www.wrcbtv.com/story/42706718/political-robocalls-blowing-up-phones-across-the-nation-ahead-of-election-day>

26 ⁶ <https://www.vivek2024.com/>

27 ⁷ See <https://abcnews.go.com/Politics/vivek-ramaswamy-explains-republican-party-vehicle-2024-campaign/story?id=104279676> (explaining that although he is running as a Republican, he is an independent).
28

22. Ramaswamy also controlled or had the right to control the content of the messages, as he is the candidate who ultimately stands to be elected and personally recorded many of the messages that have been transmitted to consumers, and personally recorded messages transmitted as part of the pre-recorded calls to consumers promoting his town hall meetings.

23. Underscoring his knowledge that he was a recording a voice message to be transmitted to consumers' cellular telephones by way of a pre-recorded call campaign, Ramaswamy personally recorded the following message *"Hi there! This is Viveck Ramaswamy, and I'm running as a Republican candidate for President of the United States. I'm going to be in Iowa tonight, but I'm calling you right now to invite you to a live teleforum town hall meeting."*(emphasis added)

(614) 396-8786 is a Political Robocall

Be cautious.

LISTEN

0:03 / 2:43

TRANSCRIPT

Hi, there. This is Vivek Ramaswamy, and I'm running as a Republican candidate for President of the United States. I'm going to be in Iowa starting tonight, but I'm calling you right now to invite you to a live teleforum town hall meeting. Right now, that's a town hall by telephone. I'm going to answer your questions. I'm going to discuss why I'm running. I'm going to discuss my vision for the country. Just stay on the line, and you're going to automatically be placed into this toll free conference to listen in with your neighbors across the state. Again, This is Vivek Ramaswami. I'm a Republican candidate for president in the 2024 race. Just stand the line to join our conference call right now. I'm grateful you're joining for us. This is a call paid for by Vivek 2024. Callback number is 614-396-8786. And just stay on the line and you'll be with me shortly. Thank you. Please hold while we connect you to your access live event. This access live event is currently in progress. Please note that this call may be monitored, recorded, or rebroadcast the world of politics and public service for a number of years now. And I've concluded that now more than ever, we need a leader who has the courage to speak the truth, a leader who will boldly fight for the truth, and a leader who communicates in such a way that it inspires others to pursue the truth. And as I've watched and listened to Vivek, I have never been more excited for a presidential candidate. So with that, I'll go ahead and turn it over to you, Vivek. Thanks a lot. I appreciate that. We're excited for our upcoming trip to Iowa, where we'll be this evening. But more importantly, that's just one small step in our national revival. I think we're in the middle of this national identity crisis where faith, patriotism, hard work, family, these things have disappeared. And I'll tell you this as a member of my generation. I'm 37 years old. I'm the first millennial candidate ever to run for US. President. As a Republican. I'll just tell you as a member of my generation that we are all so hungry for a cause. We're hungry for purpose and meaning and identity at this time in our national history, when the things that used to fill that void, like faith in God, like belief in country have disappeared. That's what leaves this moral vacuum of a black hole in its wake. That's what allows poison to fill the void. From wokism to transgenderism to climatism to covidism, they're preying on a vacuum of meaning.

DATE BLOCKED April 27, 2023

8

⁸ <https://www.nomorobo.com/lookup/614-396-8786>

24. Consumers have captured and posted the pre-recorded calls they received from Ramaswamy online. These calls begin with a pre-recorded message identifying that the listener will be connected Ramaswamy's telephone town hall if they stay on the line or press one on their phone's keypad. Shortly after this initial prerecorded message, Ramaswamy voice is heard.

(614) 502-5094 is a Political Robocall

Be cautious.

The screenshot shows a robocall interface. At the top, there is a progress bar with a play button, a timer showing 1:25 / 2:17, and a speaker icon. Above the progress bar, the text "Generic pre-record" is written in red, and "Ramaswamy speaking" is written in red. Below the progress bar, the word "LISTEN" is on the left. Below that, the word "TRANSCRIPT" is on the left, followed by a transcript of a speech. At the bottom left, the text "DATE BLOCKED" is followed by "September 22, 2023". At the bottom right, the number "9" is displayed.

Generic pre-record

Ramaswamy speaking

LISTEN

1:25 / 2:17

TRANSCRIPT

For United States President Vivek Ramaswami taking place right now. Please stay on the line and you'll be automatically connected to this unique opportunity to talk with Vivek and ask questions. You can also press one on your telephone keypad to join. Please note this call may be recorded. If you would like to be removed from future calls, please press nine. Hello. This is the Vivek Ramaswamy campaign calling to invite you to join an interactive telephone town hall event with Republican candidate for United States best system known to man to lift us up from poverty. There are three branches of government, not four and the US. Constitution. It is the strongest and greatest guarantor of a freedom in human history. These things are true. They are controversial to say today. But we need A-U-S. President who can say them and stand for those national values and restore our culture of free speech. That is the first way we win this war. The second way we win this war is to dismantle completely gut the managerial class in the administrative state which is the bureaucracy through which this woke poison flows into every sphere of our lives. We must once again make sure that the people who we elect to run the government are indeed the ones who actually run the government, not the managerial bureaucracy in those three letter agencies that run the show today. That is why I've said that as your next US. President I will implement a 75% headcount reduction in the federal bureaucracy in Washington DC. By the end of my first term. I will rescind a majority of unconstitutional federal regulations in Washington DC coming from government bureaucrats who were never elected to their roles. I will implement eight year term limits for anybody in that bureaucracy. Because you know what? If I can't be your next president and collect a paycheck from you all for more than eight years, which is a good thing then neither should any of those bureaucrats reporting into me either. And perhaps most importantly when there are corrupt government.

DATE BLOCKED September 22, 2023


9

⁹ <https://www.nomorobo.com/lookup/614-502-5094>

(614) 368-7424 is a Political Robocall

Be cautious.

Generic pre-record **Ramaswamy speaking**

LISTEN 

TRANSCRIPT *Calling to invite you to join an interactive telephone town hall event with Republican candidate for United States President Vivek Ramaswamy taking place right now. Please stay on the line and you'll be automatically connected to this unique opportunity to talk with Vivek and ask questions. You can also press one on your telephone keypad to join. Please note the call may be recorded. If you would like to be removed from future calls, please press nine. Hello, this is the Vivek Ramaswamy campaign calling to invite you to join an interactive telephone town hall event order. Parents determine the education of their children. The nuclear family is the greatest form of governance known to mankind. Capitalism is that system known to man to lift people up from poverty. There are three branches of government, not four in the US. Constitution. It is the strongest and greatest guarantor of freedom in human history. That is the truth. We fight for the truth. We stand up for the truth. That is what won us the American Revolution. That is what will win us the revolution of 2024. And the thing I want to say most importantly to you all is that we're taught to believe that we are a nation in decline. Well, you know what? I don't think we have to be a nation in decline. I don't think we have to be ancient Rome. I think the truth is, as a nation, we are all really just a little young, actually going through our own version of adolescence, figuring out who we're really going to be when we grow up. And when you see it that way, it makes sense again. When you go through your adolescence, you go through that identity crisis, you lose your way a little bit. You lose your sense of who you are. You lose your self confidence. I did. Maybe many of you did too. But we are stronger for it when we get to our adulthood on the other side. So no, I don't think we have to be that nation in decline. I think the truth is we can still yet be.*

DATE BLOCKED September 13, 2023 10

25. Many consumers have voiced their complaints online about receiving these unsolicited prerecorded messages from Ramaswamy:

- “A political call from Republican candidate Vibek Ramasmarmy about some phone-in townhall meeting.”¹¹
- “Another robo-call about some phone-in town meeting with Vibek Ramasmarmy, Republican candidate.”¹²
- “Annoyance caller. Multiple unwanted calls.”¹³
- “Political robo call”¹⁴

¹⁰ <https://www.nomorobo.com/lookup/614-368-7424>

¹¹ <https://800notes.com/Phone.aspx/1-614-612-1023>

¹² Id.

¹³ Id.

¹⁴ <https://callfilter.app/16146121023>

- “Has called 3 times in the last 2 days. (robocall / recorded message)”¹⁵
- “Called me again this am, unintelligible recorded message, whoever this is, needs to be trained as to how to do a proper recorded message!”¹⁶

26. In response to these calls, Plaintiff Grant brings forward this case seeking injunctive relief requiring the Defendant to cease from violating the TCPA, as well as an award of statutory damages to the members of the Class and costs.

PLAINTIFF GRANT’S ALLEGATIONS

27. Plaintiff Grant is the sole owner and user of his cell phone number ending in 2130 which was registered on the national do not call registry on June 2, 2009.

28. Plaintiff Grant uses his cell phone number for personal use only. It is not associated with a business.

29. On July 8, 2023, Plaintiff Grant received a pre-recorded call to his cell phone number from the Defendant, from 614-612-1023. When Plaintiff answered this call, he heard:

““Please note, this call may be recorded. Hello, this is the Vivek Ramaswamy Campaign calling to invite you to join an interactive telephone town hall event with Republican candidate for the United States president Vivek Ramaswamy taking place right now. Please stay on the line and you’ll be automatically connected to this unique opportunity to talk with Vivek and ask questions. You can also press ‘1’ on your telephone keypad to join. Please note, this call may be recorded. Hello, this is the Vivek Ramaswamy Campaign calling to invite you to join an interactive telephone town hall event with Republican

¹⁵ Id.

¹⁶ <https://800notes.com/Phone.aspx/1-614-502-5094>

1 candidate for the United States president Vivek Ramaswamy taking place right now. Please
2 stay on the...”¹⁷ (Plaintiff disconnected the call.)

3 30. On July 10, 2023, Plaintiff Grant received a pre-recorded call to his cell phone
4 number from the Defendant, from 614-612-1023. When Plaintiff answered this call, he heard:

5 “taking place right now. Please stay on the line and you’ll be automatically connect...”¹⁸
6 (Plaintiff disconnected the call.)

7
8 31. On July 25, 2023, Plaintiff Grant received a pre-recorded call to his cell phone
9 number from the Defendant, from 614-686-1627. When Plaintiff answered this call, he heard:

10 “... calling to invite you to join an interactive telephone town hall event with Republican
11 candidate for the United States president Vivek Ramaswamy taking place right now. Please
12 stay on the line and you’ll be automatically connected to this unique opportunity to talk
13 with Vivek and ask questions. You can also press ‘1’ on your telephone keypad to join.
14 Please note...”¹⁹

15
16 32. On August 8, 2023, Plaintiff Grant received a pre-recorded call to his cell phone
17 number from the Defendant, from 614-686-1627. When Plaintiff answered this call, he heard:

18 “Vivek Ramaswamy taking place right now. Please stay on the line and you’ll be
19 automatically connected to this unique opportunity to talk with Vivek and ask questions.
20 You can also press ‘1’ on your telephone keypad to join. Please note, this call may be
21 recorded. Hello, this is the Vivek Ramaswamy Campaign calling to invite you to join an
22

23
24 ¹⁷ [https://www.dropbox.com/scl/fi/7ebcesb2nop3kprw2v20/230708_614-612-](https://www.dropbox.com/scl/fi/7ebcesb2nop3kprw2v20/230708_614-612-1023_Vivek_VP100583.MP3?rlkey=s6lnkt400wt0go3prmghy0767&dl=0)
25 [1023_Vivek_VP100583.MP3?rlkey=s6lnkt400wt0go3prmghy0767&dl=0](https://www.dropbox.com/scl/fi/7ebcesb2nop3kprw2v20/230708_614-612-1023_Vivek_VP100583.MP3?rlkey=s6lnkt400wt0go3prmghy0767&dl=0)

26 ¹⁸ [https://www.dropbox.com/scl/fi/gg82d8imxlr0zhtke8mu1/230710_614-612-](https://www.dropbox.com/scl/fi/gg82d8imxlr0zhtke8mu1/230710_614-612-1023_Vivek_voicemail-308.m4a?rlkey=54e5nxsdhbogrsm5b9n3ddy1&dl=0)
27 [1023_Vivek_voicemail-308.m4a?rlkey=54e5nxsdhbogrsm5b9n3ddy1&dl=0](https://www.dropbox.com/scl/fi/gg82d8imxlr0zhtke8mu1/230710_614-612-1023_Vivek_voicemail-308.m4a?rlkey=54e5nxsdhbogrsm5b9n3ddy1&dl=0)

28 ¹⁹ [https://www.dropbox.com/scl/fi/cl2ifpu7huvcyrbfa2m32/230725_614-686-](https://www.dropbox.com/scl/fi/cl2ifpu7huvcyrbfa2m32/230725_614-686-1627_Vivek_VP100597.MP3?rlkey=xm18nvgb5qbzu1ivo8ooli5n3&dl=0)
[1627_Vivek_VP100597.MP3?rlkey=xm18nvgb5qbzu1ivo8ooli5n3&dl=0](https://www.dropbox.com/scl/fi/cl2ifpu7huvcyrbfa2m32/230725_614-686-1627_Vivek_VP100597.MP3?rlkey=xm18nvgb5qbzu1ivo8ooli5n3&dl=0)

1 interactive telephone town hall event with Republican candidate for the United States
2 president Vivek...” [Then the prerecorded call cuts to Ramaswamy speaking] “...
3 communist China for our modern way of life anymore. I will tell you in January of 2033,
4 that we no longer apologize for success. That we no longer...”²⁰ (Plaintiff disconnected the
5 call.)

6 33. On August 10, 2023, Plaintiff Grant received a pre-recorded call to his cell phone
7 number from the Defendant, from 614-502-5094. When Plaintiff answered this call, he heard:

8 “Vivek Ramaswamy taking place right now. Please stay on the line and you’ll be
9 automatically connected to this unique opportunity to talk with Vivek and ask questions.
10 You can also press ‘1’ on your telephone keypad to join. Please note, this call may be
11 recorded. Hello, this is the Vivek Ramaswamy Campaign calling to invite you to join an
12 interactive telephone town hall event with Republican...” [Then the prerecorded call cuts
13 to Ramaswamy speaking] “... for our 2 sons and following our faith in G-d.”²¹ (Plaintiff
14 disconnected the call.)
15
16

17 34. On September 5, 2023 at 8:20 PM, Plaintiff Grant received a pre-recorded call to
18 his cell phone number from the Defendant, from 614-502-5115. When Plaintiff answered this call,
19 he heard:

20 “Press ‘1’ on your telephone keypad to join. Please note, this call may be recorded. Hello,
21 this is the Vivek Ramaswamy Campaign calling to invite you to join an interactive
22 telephone town hall event with Republican candidate for the United States president Vivek
23
24

25 ²⁰ https://www.dropbox.com/scl/fi/sxnlowiwhictry7yu6xoj/230808_614-686-1627_Vivek_VP100616.MP3?rlkey=f1dbmtlid0lfelszh95o6cc3w&dl=0

26 ²¹ https://www.dropbox.com/scl/fi/8jelqlby26m08db09jui/230810_614-502-5094_Vivek_VP100622.MP3?rlkey=gx1jjmhpm82419dmgo8tzfxcd&dl=0

1 Ramaswamy taking place right now. Please stay on the line and you'll be automatically
2 connected to this unique opportunity to talk with Vivek and ask questions. You can also
3 press '1' on your telephone keypad to join. Please note, this call may be recorded."²²

4 35. On October 11, 2023 at 8:16 PM, Plaintiff Grant received a pre-recorded call to his
5 cell phone number from the Defendant, from 614-502-5143. This call was not answered but a pre-
6 recorded voicemail was left stating:

7 "... candidate for the United States president Vivek Ramaswam..."²³

8
9 36. On October 11, 2023 at 8:30 PM, Plaintiff Grant received a pre-recorded call to his
10 cell phone number from the Defendant, from 614-502-5143. This call was not answered but a pre-
11 recorded voicemail was left stating:

12 "Please note, this call may be recorded."²⁴

13 37. Plaintiff Grant believes the calls are pre-recorded because most of the messages
14 begin part of the way into the message, the messages instruct the recipient to press '1' to join the
15 conference and because some of the voicemails are identical to others in content and voice.

16
17 38. Plaintiff Grant never provided any form of consent to Ramaswamy to receive pre-
18 recorded calls to either his landline residential or cell phone number.

19 39. The unauthorized solicitation telephone calls that Plaintiff received from or on
20 behalf of Defendant have harmed Plaintiff Grant in the form of annoyance, nuisance, and invasion
21 of privacy, occupied his phone line, and disturbed the use and enjoyment of his phone.

22
23
24 ²² [https://www.dropbox.com/scl/fi/n1mi6w1740wa8xs4au9dm/230905_614-502-](https://www.dropbox.com/scl/fi/n1mi6w1740wa8xs4au9dm/230905_614-502-5115_Vivek_VP100650.MP3?rlkey=p5wv8987yb2mckwq9kpzp6y9m&dl=0)

25 [5115_Vivek_VP100650.MP3?rlkey=p5wv8987yb2mckwq9kpzp6y9m&dl=0](https://www.dropbox.com/scl/fi/6q38fnsbqqk8186dyoc4e/231011_614-502-5143_1_Vivek_voicemail-317.m4a?rlkey=f48rkso4dfcc7f4s8fa10dxhh&dl=0)
26 ²³ [https://www.dropbox.com/scl/fi/6q38fnsbqqk8186dyoc4e/231011_614-502-](https://www.dropbox.com/scl/fi/6q38fnsbqqk8186dyoc4e/231011_614-502-5143_1_Vivek_voicemail-317.m4a?rlkey=f48rkso4dfcc7f4s8fa10dxhh&dl=0)

27 ²⁴ [https://www.dropbox.com/scl/fi/u5cbrwjrzpe3azxovpoqp/231011_614-502-](https://www.dropbox.com/scl/fi/u5cbrwjrzpe3azxovpoqp/231011_614-502-5143_1_Vivek_voicemail-318.m4a?rlkey=sddnsfhhbmbhr69k60gsgqvghl&dl=0)
28 [5143_1_Vivek_voicemail-318.m4a?rlkey=sddnsfhhbmbhr69k60gsgqvghl&dl=0](https://www.dropbox.com/scl/fi/u5cbrwjrzpe3azxovpoqp/231011_614-502-5143_1_Vivek_voicemail-318.m4a?rlkey=sddnsfhhbmbhr69k60gsgqvghl&dl=0)

40. Seeking redress for these injuries, Plaintiff Grant, on behalf of himself and a Class of similarly situated individuals, brings suit under the TCPA.

CLASS ALLEGATIONS

41. Plaintiff Grant brings this action pursuant to Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3) and seeks certification of the following Class:

Pre-recorded No Consent Class: All persons in the United States who from four years prior to the filing of this action through class certification (1) Defendant Ramaswamy or his campaign called on their cellular telephone number (2) using an artificial or pre-recorded voice.

42. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, its subsidiaries, parents, successors, predecessors, and any entity in which either Defendant or their parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against the Defendant have been fully and finally adjudicated and/or released. Plaintiff Grant anticipates the need to amend the Class definition following appropriate discovery.

43. **Numerosity and Typicality:** On information and belief, there are hundreds, if not thousands of members of the Class such that joinder of all members is impracticable, and Plaintiff is a member of the Class.

44. **Commonality and Predominance:** There are many questions of law and fact common to the claims of the Plaintiff and the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not necessarily limited to the following:

- 1 (a) whether Defendant Ramaswamy or his agents placed pre-recorded voice message
- 2 calls to Plaintiff Grant and members of the Pre-recorded No Consent Class without
- 3 first obtaining consent to make the calls;
- 4 (b) whether the calls constitute a violation of the TCPA;
- 5 (c) whether Class members are entitled to an injunction against Defendant preventing
- 6 it from making unsolicited prerecorded calls; and
- 7 (d) whether members of the Class are entitled to treble damages based on the
- 8 willfulness of Defendant's conduct.
- 9

10 45. **Adequate Representation:** Plaintiff Grant will fairly and adequately represent and
11 protect the interests of the Class, and has retained counsel competent and experienced in class
12 actions. Plaintiff Grant has no interests antagonistic to those of the Class, and the Defendant has
13 no defenses unique to Plaintiff. Plaintiff Grant and his counsel are committed to vigorously
14 prosecuting this action on behalf of the members of the Class, and have the financial resources to
15 do so. Neither Plaintiff Grant nor his counsel have any interest adverse to the Class.

16
17 46. **Appropriateness:** This class action is also appropriate for certification because the
18 Defendant has acted or refused to act on grounds generally applicable to the Class and as a whole,
19 thereby requiring the Court's imposition of uniform relief to ensure compatible standards of
20 conduct toward the members of the Class and making final class-wide injunctive relief appropriate.
21 Defendant's business practices apply to and affect the members of the Class uniformly, and
22 Plaintiff's challenge of those practices hinges on Defendant's conduct with respect to the Class as
23 wholes, not on facts or law applicable only to Plaintiff Grant. Additionally, the damages suffered
24 by individual members of the Class will likely be small relative to the burden and expense of
25 individual prosecution of the complex litigation necessitated by Defendant's actions. Thus, it
26
27
28

1 would be virtually impossible for the members of the Class to obtain effective relief from
2 Defendant's misconduct on an individual basis. A class action provides the benefits of single
3 adjudication, economies of scale, and comprehensive supervision by a single court.

4 **FIRST CLAIM FOR RELIEF**
5 **Telephone Consumer Protection Act**
6 **(Violation of 47 U.S.C. § 227)**

7 **(On Behalf of Plaintiff Grant and the Pre-recorded No Consent Class)**

8 47. Plaintiff repeats and realleges the prior paragraphs of this Complaint and
9 incorporates them by reference herein.

10 48. Defendant Ramaswamy and/or its agents transmitted unwanted telephone calls to
11 Plaintiff Grant and the other members of the Pre-recorded No Consent Class using a pre-recorded
12 voice message.

13 49. These pre-recorded voice calls were made *en masse* without the prior express
14 consent of the Plaintiff Grant and the other members of the Pre-recorded No Consent Class.

15 50. The Defendant has, therefore, violated 47 U.S.C. § 227(b)(1)(A)(iii). As a result of
16 Defendant's conduct, Plaintiff Grant and the other members of the Pre-recorded No Consent Class
17 are each entitled to a minimum of \$500 in damages, and up to \$1,500 in damages, for each
18 violation.

19
20 **PRAYER FOR RELIEF**

21 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for the
22 following relief:

- 23 a) An order certifying this case as a class action on behalf of the Class as
24 defined above; appointing Plaintiff as the representative of the Class; and
25 appointing his attorneys as Class Counsel;
26 b) An award of money damages and costs;
- 27
28

- 1 c) An order declaring that Defendant's actions, as set out above, violate the
2 TCPA;
3 d) An injunction requiring Defendant to cease all unsolicited calling activity,
4 and to otherwise protect the interests of the Class; and
5 e) Such further and other relief as the Court deems just and proper.
6

7 **JURY DEMAND**

8 Plaintiff Grant requests a jury trial.

9 **THOMAS GRANT**, individually and on behalf of
10 all others similarly situated,

11 DATED this 23rd day of January, 2024.
12

13 By: /s/ Brian T. Giles

14 Brian T. Giles (0072806)
15 Giles & Harper, LLC
16 7243 Beechmont Avenue,
17 Cincinnati, Ohio 45230
18 Telephone: (513) 379-2715
19 bgiles@gilesharper.com

20 Avi R. Kaufman*
21 kaufman@kaufmanpa.com
22 KAUFMAN P.A.
23 237 S Dixie Hwy, Floor 4
24 Coral Gables, FL 33133
25 Telephone: (305) 469-5881

26 *Attorneys for Plaintiff and the putative Class*

27 **Pro Hac Vice motion forthcoming.*
28